

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DAVID R. KAUFFMAN,)	
)	
Plaintiff,)	3:23-CV-239
)	
v.)	
)	
BARRY SMITH, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM ORDER

This *pro se* prisoner civil-rights case was referred to Magistrate Judge Keith A. Pesto for proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court applicable to Magistrate Judges.

On April 11, 2024, Mr. Kaufmann filed a motion for Judge Pesto’s recusal, arguing that Judge Pesto was prejudiced against him. ECF 31. Judge Pesto denied his motion. ECF 35. Mr. Kaufmann objected to Judge Pesto’s ruling, and so the Court reviews findings of facts for clear error and matters of law *de novo*. *Equal Emp. Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017).

Mr. Kaufmann argues in his objections that Judge Pesto “fabricate[d]” orders in response to his motions about service and therefore harbored actual bias against him. ECF 41. The Court overrules Mr. Kaufmann’s objections, and adopts Judge Pesto’s order at ECF 35.

Under 28 U.S.C. § 455(a), recusal is warranted where a judge’s impartiality might reasonably be questioned. But “a party’s displeasure with legal rulings does not form an adequate basis for recusal.” *Securacomm Consulting, Inc. v. Securacom Inc.*, 224 F.3d 273, 278 (3d Cir. 2000). After reviewing the record, including Judge Pesto’s orders on Mr. Kaufmann’s motions for service and to compel discovery (ECF

12, ECF 20, ECF 30), the Court finds no evidence of bias or prejudice, and does not have any reason to think that Judge Pesto should be disqualified.

AND NOW, this 20th day of February, 2025, it is hereby **ORDERED** that Judge Pesto's Memorandum Order (ECF 35) is **ADOPTED** as noted above.

BY THE COURT:

/s/ J. Nicholas Ranjan
United States District Judge

cc:
David R. Kauffman
QD-9561
S.C.I. Forest
P.O. Box 945
286 Woodland Drive
Marienville, PA 16239